

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CARL W. CUNNINGHAM

Petitioners,

v.

ALICE PAYNE,

Respondent.

Case No. C05-5839RBL

ORDER ADOPTING
REPORT AND
RECOMMENDATION

The Court having reviewed the Report and Recommendation of the Hon. J. Kelley Arnold United States Magistrate Judge, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) The petition is **DISMISSED WITH PREJUDICE** as time barred.
- (3) The clerk is directed to send copies of this Order to Petitioner, counsel for respondent and to the Hon. J. Kelley Arnold.

DATED this 5th day of July, 2006.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE